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PATENT  
Attorney Docket 060616-5003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Ian Duncan Rubin et al.** )  
Application No. **09/891,615** ) Group Art Unit: **1654**  
Filed: **June 27, 2001** ) Examiner: **Michele C. Flood**  
For: **Extracts, Compounds and Pharmaceutical** )  
**Compositions Having Anti-Diabetic Activity** )  
**and Their Use** )

U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**TRANSMITTAL FORM**

1. Transmitted herewith is a Supplemental Amendment and Response Under 37 C.F.R. 1.116 further in response to the Final Office Action dated November 1, 2004.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an additional extension of time is required as a Notice of Appeal was filed on April 27, 2005. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

<b>CLAIMS AS AMENDED</b>						
	<b>Remaining</b>		<b>Previously Paid</b>	<b>Extra</b>	<b>Rate</b>	<b>Total Fees</b>
Total Claims	<b>19</b>	minus	<b>41</b>	<b>0</b>	\$50 each=	0.00
Independent Claims	<b>2</b>	minus	<b>8</b>	<b>0</b>	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
						<b>Sub-total = 0.00</b>
<b>Reduction by ½ for filing by a small entity</b>						000
						<b>Total Fee = 0.00</b>

4. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 13, 2005**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

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Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Gregory T. Lowen  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* application of: )  
Ian Duncan RUBIN *et al.* )  
Application No.: 09/891,615 ) Group Art Unit: 1654  
Filed: June 27, 2001 ) Examiner: Michele C. Flood  
For: EXTRACTS, COMPOUNDS AND )  
PHARMACEUTICAL COMPOSITIONS )  
HAVING ANTI-DIABETIC ACTIVITY )  
AND THEIR USE )

Commissioner of Patents  
Arlington, VA 22202

Sir:

**SUPPLEMENTAL AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.116**

This response is being filed as a supplement to the response filed on March 1, 2005 in reply to the Final Office Action dated November 1, 2004. Applicants request reconsideration of the subject application in view of the following amendments and remarks.

**Amendments to the Claims** begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.